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Universal Periodic Review

Report of the Office of the United Nations High Commissioner for Human Rights on the operations of the Voluntary Fund for financial and technical assistance in the implementation of the universal periodic review

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I. Introduction

A. Submission of the report

1. The present report is submitted in accordance with Human Rights Council decision 17/119, in which the secretariat was requested to provide an annual written update on the operations of the Voluntary Fund for financial and technical assistance in the implementation of the universal periodic review (the Voluntary Fund for UPR Implementation) and on the resources available to it. The present report provides an overview of contributions and expenditure as at 31 December 2013, together with a description of action taken since the submission of the previous report (A/HRC/24/56) to operationalize the Voluntary Fund for UPR Implementation. It also provides a description of the activities to be funded by the Voluntary Fund for UPR Implementation during the course of 2014.

B. Background

2. In its resolution 6/17, the Human Rights Council requested the Secretary-General to establish a new financial mechanism called the Voluntary Fund for Financial and Technical Assistance in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help countries implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the country concerned. In its resolution 16/21, the Human Rights Council requested that the Voluntary Fund for UPR Implementation be strengthened and operationalized in order to provide a source of financial and technical assistance to help countries, in particular least developed countries and small island developing States (SIDSs), to implement the recommendations emanating from their review. The Human Rights Council also requested that a board of trustees be established in accordance with the rules of the United Nations.

3. The Voluntary Fund for UPR Implementation was established in 2009 and States have commenced making contributions to it. The Office of the High Commissioner for Human Rights (OHCHR) has begun operationalizing the Fund by providing financial and technical assistance to States which have requested support. Support has been provided in the spirit of the universal periodic review, in the founding resolution for which it is provided that the objectives are the improvement of the human rights situation on the ground (Human Rights Council resolution 5/1, annex, para. 4 (a)), the fulfilment of the State's human rights obligations and commitments (ibid., para. 4 (b)) and the enhancement of the State's capacity and of technical assistance, in consultation with, and with the consent of, the State concerned (ibid., para. 4 (c)).

II. Operationalization of the Fund

A. Board of Trustees of the Fund

4. On 30 May 2013, the Secretary-General appointed the members of the Board of Trustees of the Voluntary Fund for Technical Cooperation, who will also serve as the Board of Trustees for the Voluntary Fund for UPR Implementation. They are tasked with overseeing the management of the latter Fund.

5. In close consultation with the various sections of OHCHR, the Board of Trustees focuses its attention on broadly guiding the operationalization of the Fund by providing policy advice.

6. The Board of Trustees held its first session in Geneva in November 2013 and was briefed on the OHCHR approach to UPR follow-up as well as on the support provided to a number of States which had been funded by the Voluntary Fund for UPR Implementation.

7. The Board of Trustees held its second session in Mexico City in February 2014, during which it reviewed the projects to be funded from the Voluntary Fund for UPR Implementation in 2014. The Board of Trustees noted with satisfaction that a number of projects to be implemented during 2014 were geared towards bringing about tangible results on the ground. The Board of Trustees emphasized the importance of ensuring the sustainability of the impact, and of active civil society involvement in UPR follow-up.

8. The Board of Trustees also held discussions with OHCHR on the newly revitalized OHCHR strategic vision for more integrated, proactive and systematic UPR follow-up. The Board of Trustees welcomed the ongoing efforts of OHCHR to design such a strategy, and provided OHCHR with advice and guidance thereon.

B. OHCHR strategic vision for UPR follow-up and the Fund: going forward

9. Over the past two years, OHCHR has been developing the capacity to provide increased support to States in their efforts to implement the outcome of the UPR, including through the operationalization of the Voluntary Fund for UPR Implementation. This effort has included an integrated approach to supporting implementation of recommendations emanating from all the international human rights mechanisms.

10. Building on lessons learned, OHCHR is in the process of revitalizing a strategic vision for UPR follow-up that is more proactive, systematic and results-oriented. This newly revitalized strategy for UPR follow-up will seek to enable OHCHR to provide more effective support to States on the ground, whether directly or through ensuring the integration of support in United Nations Country Team programming on UPR follow-up, to enable States to achieve concrete results for the promotion and protection of human rights. In the strategic vision, the role of OHCHR will be defined as "a clearing house" as requested by the Human Rights Council in its resolution 16/21.

11. The documentation of best practices is also an important priority in this new strategy. It is vital that good practices on follow-up should be made available as widely as possible. The Fund for UPR Implementation will therefore continue to fund the documentation of good practices emerging from the implementation of technical assistance projects and which could be replicated in other countries. Systematic documentation of good practices on follow-up to the projects and of effective project management methodologies by recipients of moneys from the Fund will constitute an important precondition for support.

III. Activities to be supported by the Fund during 2014

12. A project to strengthen the capacity of the national authorities in the Republic of Moldova to combat discrimination will be supported by the Voluntary Fund for UPR Implementation, in particular concerning the National Council to Prevent and Combat Discrimination, judges and prosecutors, and other stakeholders, including lawyers, health service providers, civil society organizations, and, especially, men and women from

vulnerable groups such as lesbian, gay bisexual, transgender and intersex people. The project is aimed at: reducing impunity for discriminatory acts in service provision; enhancing the work of free legal aid lawyers on discrimination cases; increasing the number of investigations undertaken by relevant State authorities; and empowering vulnerable groups to seek protection against discrimination and to receive effective remedy.

13. Lack of birth registration has far-reaching negative implications on the enjoyment of a wide range of human rights for the children concerned. In a project in Niger on birth registration for children in remote nomadic areas, a local non-governmental organization (NGO) will register children at birth in cooperation with the authorities, including local magistrates. A similar project in Panama will be implemented by the OHCHR Regional Office in Central America, based in Panama, in cooperation with the United Nations Children's Fund (UNICEF). This project will assist the National Directorate of the Civil Registry of the Electoral Tribunal in reaching out to the indigenous Ngabe-Bugle communities which follow the Mama Tata religion, in view of the specific recommendations made to Panama during its 2010 UPR to step up its efforts to guarantee the right of all children to birth registration.

14. The United Nations country teams in Argentina, Brazil, Chile, Peru and Uruguay, with expert advice and support from the OHCHR Regional Office for South America, based in Chile, and on a cost-sharing basis, have been providing support to the Governments and civil society in these countries in analysing and reviewing key UPR recommendations, defining road maps and identifying needs for capacity-building and technical assistance, which have been integrated into the respective United Nations common country programming documents, such as the United Nations Development Assistance Framework (UNDAF). In addition, the United Nations country teams have been promoting the documenting and sharing of good practices on cooperation among countries with United Nations human rights mechanisms, as well as of strategies and policies to address key thematic human rights issues of concern.

15. A project in Bosnia and Herzegovina is intended to advocate the establishment of an effective mechanism for integrated reporting and follow-up to the recommendations of international human rights mechanisms by helping the Government's UPR Working Group to build the capacity for analysing and prioritizing the UPR recommendations. Thematic clustering of the recommendations of United Nations human rights mechanisms for the purpose of implementation will be undertaken. As part of monitoring the implementation of prioritized UPR recommendations, the OHCHR guide, "Human rights indicators: A guide to measurement and implementation", will be translated into local languages and put to use as a monitoring tool. The capacity of civil society organizations and the media in their monitoring role for UPR follow-up will be strengthened.

16. A regional project in English-speaking Eastern Caribbean States is aimed at assessing the potentialities and challenges with regard to the implementation of UPR recommendations and developing a corresponding strategy for implementation with the relevant counterparts, including government, civil society and United Nations entities. A plan of action will also be drawn up for the implementation of UPR recommendations in line with the newly developed OHCHR strategic vision for UPR follow-up.

17. A project in Paraguay is aimed at providing support in establishing a follow-up and monitoring mechanism for recommendations stemming from international human rights mechanisms.

18. Continuing support will be provided to the Marshall Islands and Vanuatu with a view to building the capacity of the Governments to implement the UPR recommendations. Support in the form of United Nations Volunteers will be provided to these two Governments.

19. A project in Uganda is intended to provide support for the development of a national human rights action plan. An online database/search engine containing all the recommendations from international human rights mechanisms to Uganda will be developed, to serve as a monitoring tool for implementation of those recommendations, as well as of the National Human Rights Action Plan. This database/online search engine will be administered and maintained by the Human Rights Commission of Uganda, which will help centralize control of information by ensuring the accuracy of the monitoring information to be fed into the database.

20. A project in the Democratic Republic of Congo seeks to: provide logistical and technical support for the establishment of a new National Human Rights Commission; provide support for the adoption of the law aimed at protecting human rights defenders; and strengthen the capacity of the Inter-Ministerial Committee on Human Rights tasked with drafting reports and providing follow-up to international human rights mechanisms as part of its international obligation.

21. A project in Guinea Conakry seeks to provide support to the Government to establish an independent human rights commission in conformity with the Paris Principles. A draft law on the establishment of such a commission was prepared in 2011, but the promulgation of the law has been delayed. Support will be provided to ensure that the draft law is in full conformity with the Paris Principles. The primary objective of the project is to ensure that rights-holders are empowered to benefit from the establishment of such a commission.

22. During 2014, the Fund will continue to support civil society organizations in playing an active role in the implementation of UPR recommendations, including in monitoring. A follow-up meeting for civil society in north-east Asia is planned, to examine how civil society organizations can contribute to more effective follow-up to the recommendations at the country level.

IV. Financial situation of the Fund

Table 1
Statement of income and expenditure for the biennium 2012–2013 (1 January 2012–31 December 2013)

I. Income	*US$*
Voluntary contributions received from Governments	1 722 332
Miscellaneous and interest income	62 138
Total income	**1 784 470**
II. Expenditure	USD $
Staff costs	195 128
Experts' and consultants' fees and travel	169 406
Staff travel	178 942
Travel of representatives	30 942
Contractual services	8 000
General operating expenses	0

I. Income	*US$*
Supplies and materials	1 300
Grants, contributions and seminars	451 035
Programme support costs	134 518
Total expenditure	**1 169 271**
Net excess (shortfall) of income over expenditures for the period	**615 199**
Opening balance 1 January 2012	**967 349**
Miscellaneous adjustments/savings/refunds to donors	**231 321**
Total fund balance as at 31 December 2013	**1 813 869**

Table 2

Voluntary Fund for financial and technical assistance in the implementation of the universal periodic review

Voluntary contributions since the establishment of the Fund to 31 December 2013

Donor	*US$*
Year 2008/2009	
Colombia	40 000.00
Russian Federation	450 000.00
United Kingdom of Great Britain and Northern Ireland	45 326.00
Biennium 2010–2011	
Germany	148 148.00
Morocco	500 000.00
Russian Federation	200 000.00
United Kingdom of Great Britain and Northern Ireland	133 707.00
Biennium 2012–2013	
Australia	387 580.00
Germany	475 664.00
Kazakhstan	9 975.00
Norway	849 114.00
Total contributions	**3 239 514.00**

23. Table 1 shows the detailed financial situation of the Fund as at 31 December 2013 (statement of income and expenditure). In addition, disbursements totalling US$ 259,470 have been made for the period 1 January–14 March 2014.

24. Since the establishment of the Trust Fund for UPR Implementation in 2009, seven countries have made financial contributions: Australia, Colombia, Germany, Morocco, Norway, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland. Since the previous report (A/HRC/24/56), Kazakhstan has also made further financial contributions. Table 2 provides an overview of all contributions received for the reporting period, from the establishment of the Fund to 31 December 2013. No additional financial contributions have been received during the period January–March 2014.

25. As noted above, with the newly revitalized OHCHR strategic vision for UPR follow-up, it is expected that the rate of disbursement of moneys from the Trust Fund for UPR Implementation will be increased. It would therefore be advisable to expand the donor base of the Fund, so that all interested Member States, including developing countries, make contributions. OHCHR could thereby gradually ensure the universal application of the new strategic vision for follow-up to all Member States, in line with the universality principle of the universal periodic review mechanism.

V. Conclusions

26. **Efforts to follow up the UPR recommendations should be built around securing the political will and ability of States to bring about tangible results with a view to improving the human rights situation on the ground. The Voluntary Fund for financial and technical assistance for the implementation of the universal periodic review continues to serve as a valuable source of support for countries in the implementation of their UPR recommendations.**

27. **It is hoped that a revitalized OHCHR strategic vision for UPR follow-up that is more proactive, systematic and results-oriented, coupled with financial support from the Voluntary Fund, will support States in fulfilling their primary responsibility to implement the recommendations of UPR. It is also hoped that an integrated approach to follow-up the recommendations of international human rights mechanisms, including treaty bodies, special procedures and UPR, will be applied as broadly and systematically as possible.**

28. **Moreover, with a newly revitalized OHCHR strategic vision for UPR follow-up with financial support from the Voluntary Fund for UPR Implementation, OHCHR should be in a position to meet its responsibility to act as a "clearing house", as proposed by the Human Rights Council.**

29. **The support to be provided by the Trust Fund for UPR Implementation will allow a growing body of good practices on UPR follow-up to be generated and documented. OHCHR is therefore paying priority attention to the need to document such good practices in a more systematic way and will make every effort to ensure that good practices both in effective project management methodologies and in follow-up to common global thematic human rights issues, including mainstreamed themes on gender and migrant workers, are documented and shared to enable other States to replicate them, tailoring them to their own specific needs. It will further provide an enhanced level of sustainability of support to States for UPR follow-up.**

30. **It should be re-emphasized that the primary responsibility for the implementation of UPR recommendations rests with States themselves and, as appropriate, with other relevant stakeholders. Hence, it is critical that the active**

participation of other stakeholders in the follow-up process be secured and encouraged.